

2083/06

Filed on
by Shri

06/5/06

Advocate

206/5/06
R. to D.R. (J)

03

Single Bench

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT
BILASPUR (C.G.)

CRIMINAL REVISION NO. 294/2006

APPLICANT

Baldeo Singh son of Shri

Jagira singh, aged about 50 years,
resident of village Nawagaon, P.S.
Tumgaon, Mahasamund, Distt.
Mahasamund (C.G.)

RECEIVED-COPY
6/5/06
CLERK to A. G. BILASPUR

VERSUS

NON-APPLICANT

The State of Chhattisgarh, through -
Station House Officer, Tumgaon,
Distt. Mahasamund (C.G.)

CRIMINAL REVISION UNDER SECTION 397 READ WITH SECTION
401 OF THE CODE OF CRIMINAL PROCEDURE, 1973

आदेश पत्रक

मामला क्रमांक Cr. R - 284 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>10-05-2006</u> Smt. Indira Tripathi, learned counsel for the applicant Baldeo Singh. Shri Ravindra Agrawal, P.L. for the State. At the request of learned counsel for the applicant, this Criminal Revision is being finally heard at the stage of admission. 1. This Revision arises out of the order dated 25-04-2006 passed by the Special Judge (Atrocities), Raipur refusing to release the TATA TOYOTA QUALIS vehicle bearing Registration Number C.G.-04-B-0719 to the applicant on supurdnama. 2. It appears that the applicant is facing prosecution for the offences under Section-15 & 18 of Narcotics Drugs & Psychotropic Substances Act. It is true that the order of confiscation of the seized vehicle may be passed after the accused/applicant is convicted for the aforesaid offences. However, in view of the guidelines of the Apex Court in <u>Sunderbhai Ambalal Desai v. State of Gujarat</u> 2002 AIR SCW 5301, pending trial no useful purpose will be served by keeping the aforesaid vehicle bearing Registration Number C.G.-04-B-0719 in the concerned police station since it is liable to decay and loose its value. The Court should pass appropriate orders immediately and not allow the articles to be	

[पीछे देखिये]

आदेश पत्रक

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	kept for a long time at police station. It would, therefore, be appropriate to pass order for return of the vehicle to its owner on furnishing surety and supurdnama to the satisfaction of the trial Judge. 3. It is also seen that the learned trial Judge refused to release the abovementioned vehicle to the applicant on supurdnama, also on the ground that the applicant did not file documents of ownership of the aforesaid vehicle. In this revision, the registration certificate filed by the applicant shows the name of the owner as "S. Baldev Singh" whereas the name of the applicant is "Baldev Singh." In para 4 of the revision, the words "belongs to" have been carefully used instead of "owner of". There is a material variance in the address of the applicant given in the registration certificate and the address given in the cause title of the application for revision. Lastly, the copy of the licence filed in this revision also shows the name as "Baldev Singh" and not as "S. Baldev Singh". The address given in the licence also does not match with the address given in the registration certificate. 4. In view of the above, the revision is dismissed at the stage of admission, reserving liberty to the applicant to file fresh application supported with affidavit and all relevant documents to	

[पीछे]

उच्च न्यायालय, उन्नाव, जिलासुपर

आदेश पत्रक

मासिक क्रमांक सन् 200

..... दिनांक

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के आदेश आदेश
prove his ownership over the vehicle before the trial judge. Upon such application being filed, the learned trial Judge shall, after thoroughly verifying whether the applicant is the owner of the aforesaid vehicle, pass order in view of what has been stated above in paragraph 2, according to law after taking photographs of the vehicle for establishing its identity during trial and imposing necessary conditions to secure production of the vehicle in its present condition as and when required during trial.		

Sd/-
Dilip Raosahab Deshmukh
Judge